

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8569

Petition of North Hartland, LLC ("NHL") for )  
approval of a long-term power purchase )  
agreement, pursuant to Rule 4.100 )

Order entered: 11/13/2015

**PROCEDURAL ORDER REQUESTING COMMENTS**

**I. INTRODUCTION**

On July 27, 2015, North Hartland, LLC ("NHL" or "Petitioner") filed a petition ("Petition") with the Vermont Public Service Board ("Board") requesting approval, pursuant to Board Rule 4.100, of a long-term power purchase agreement ("PPA") with VEPP Inc. for electricity output generated by NHL's 4.0 MW hydroelectric facility on the Ottauquechee River at 721 U.S. Route 5 in North Hartland, Vermont.

Several parties have filed comments on the Petition seeking dismissal of the Petition in the absence of the filing of supplemental information or, in the alternative, a hearing or a stay of the proceeding.

In this Order, we request comments on facts that were not addressed in the Petition or in the comments filed in response to the Petition.

**II. PROCEDURAL HISTORY**

On July 27, 2015, NHL filed a petition requesting approval, pursuant to Board Rule 4.100, of a long-term PPA with VEPP Inc. for electricity output generated by NHL's hydroelectric facility on the Ottauquechee River in North Hartland, Vermont.

The Vermont Department of Public Service ("Department") filed comments on the Petition with a motion to dismiss the Petition ("Motion to Dismiss") for failure to provide material information to support a review pursuant to 30 V.S.A. § 248(b). In the alternative, the

Department requested a hearing or a stay of the proceeding. Green Mountain Power Corporation ("GMP"), Vermont Electric Cooperative, Inc. ("VEC"), and Vermont Public Power Supply Authority ("VPPSA") jointly requested a hearing. GMP, VEC, VPPSA, the City of Burlington Electric Department ("BED"), and the Town of Stowe Electric Department ("SED") supported the Department's Motion to Dismiss. NHL filed responses to the Motion and to comments filed by GMP and VEC.

### **III. BACKGROUND AND DISCUSSION**

Board Rule 4.100 governs the sale of electricity by small renewable power producers and cogenerators and implements related federal requirements under the Public Utility Regulatory Policy Act of 1978.<sup>1</sup> Board Rule 4.104(H) states as follows:

. . . long-term rates and levelized rates shall be available only to qualifying facilities which have been found by the Board, after due hearing, to satisfy the substantive criteria of 30 V.S.A. § 248(b).

The Petitioner in this case seeks approval of a PPA that includes long-term, non-levelized rates. Comments filed in response to the Petition argue that, pursuant to Rule 4.104(H), the Petitioner must provide testimony and accompanying support for a review of the PPA under 30 V.S.A. § 248(b).

The Board granted the North Hartland hydroelectric generation facility a Certificate of Public Good ("CPG") pursuant to 30 V.S.A. § 248 in 1981.<sup>2</sup> In that proceeding, the Board found, *inter alia*, that the proposed construction of the hydroelectric facility "is required to meet the need for present and future demand for service" and "will not adversely affect system stability and reliability and economic factors."<sup>3</sup> The facility subsequently was granted a "Major 40-year license (P-2816)" by the Federal Energy Regulatory Commission on November 24, 1981.<sup>4</sup>

Parties are requested to comment on the implications, if any, of these facts on the Board's review of the proposed PPA and the Department's Motion to Dismiss. All comments on this issue shall be filed by Friday, November 20, 2015.

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1. 16 U.S.C. Sec. 2601, *et seq.*

2. *See Petition of Vermont Electric Cooperative, Inc.*, Docket 4527, Order of 6/19/81.

3. *Id.* at 8.

4. *See Petition of North Hartland, LLC*, Docket 6415, Order of 2/11/03 at 4.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 13th day of November, 2015.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ Margaret Cheney</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ Sarah Hofmann</u>	)	

OFFICE OF THE CLERK

FILED: November 13, 2015

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov))*